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AUTHOR:

TITLE: BROUGHAM
REVIEWED....

PLACE: KENDAL

DATE: 1818

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Brougham reviewed especially with reference to
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No. 10 of a vol.  of pamphlets.

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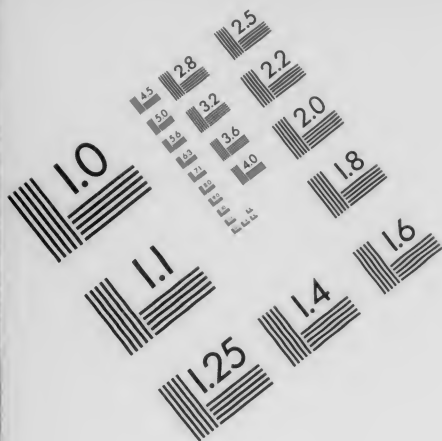
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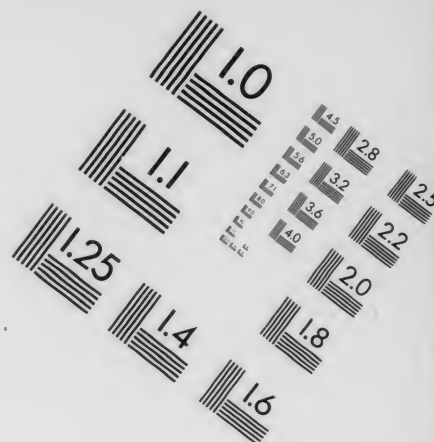


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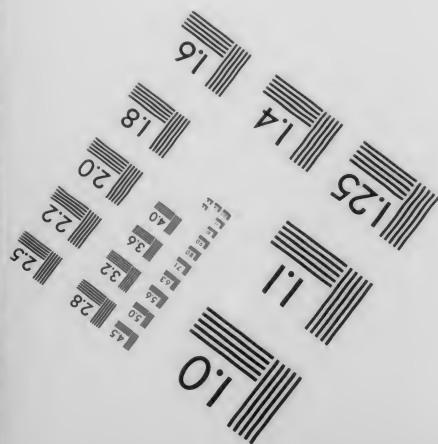
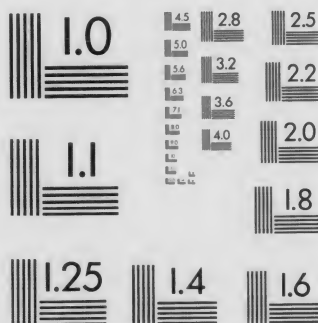
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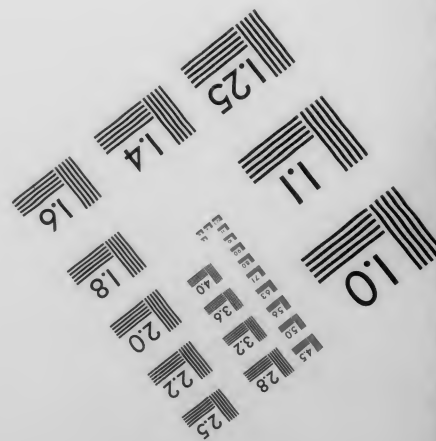
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BROUGHAM REVIEWED,

ESPECIALLY WITH REFERENCE TO

HIS CONDUCT IN PARLIAMENT

DURING THE LAST SESSION:

IN A

LETTER

TO THE

EDITOR OF THE WESTMORLAND GAZETTE.

~~~~~

BY

A LOYAL INDEPENDENT.

~~~~~

KENDAL:

PRINTED BY AIREY AND BELLINGHAM.

—
1818.

BROUGHAM REVIEWED, &c.

SIR,—From the tenor of Mr. Brougham's address of the 2d inst. dated, as usual, from the post of duty, the House of Commons, he seems more inclined than ever to merge the *professed principle* of the contest, in a comparison between the *personal fitness* of himself and either of the present members, for the office of a legislator. This, as proceeding from himself, one of the parties, is certainly a *modest suggestion*; but, were the point of his personal superiority established in the minds of others as clearly as it appears to be in his own, the most unreflecting Freeholder would scarcely admit the inference for the sake of which he courts the comparison, viz.:—That, on the ground of that superiority, if acknowledged, he ought to be returned for the county of Westmorland. We have already had too much of this kind of reasoning. Mr. Clarkson told us that our new candidate is a potent friend to the negroes; ergo, he ought to be supported in his present attempt. We are not inclined to dispute the premises: but we should regard ourselves as ranking lower in the scale of intellect than do the poor Africans in the estimation of some who wish to make merchandise of them, if we were not to revolt from the conclusion.—The question, as affecting the voters, is not whether the new candidate may, or may not, be a more proper person to have a seat in Parliament than Lord Lowther, or Col. Lowther; but, if that were admitted, (which we deny) whether abilities, character, circumstances, and conduct, being duly weighed, he is a more proper person to represent the county of Westmorland; and, to put the case still more strongly and fairly, whether it is right and reasonable that either of these individuals should be ousted for the purpose of substituting Mr. Brougham. This point, Mr. Editor, I would now undertake to discuss, were I not confident that the labour will be rendered superfluous by demonstrating that Mr. B. is an unfit person to represent *any* county whatever: nay, I will go farther, unfit to be sent to Parliament under decisively popular influence wheresoever operating. They are his real friends who tell him this; and that man would prove his best benefactor who could succeed in convincing him of a truth self-evident to all judicious and dispassionate minds.

As an opponent of Mr. B. I am thankful for his having again challenged the consideration of his personal fitness.—meeting him upon this ground, I feel a pleasure in avowing at the outset that, notwithstanding all drawbacks, I had rather that Mr. B. should be in the House than not. It is desirable that an individual or two, or even more, like him, should be found in Parliament. Mr. B. has talents; he has information; ardour and zeal he possesses in abundance, and his assiduity is unquestionable; but the Freholders of Westmorland are intreated to bear in mind, that our system of representation, however liable to objections in theory, is so excellent in practice, as to admit of such men being placed in the House under circumstances which enables the country to profit from what is good in them, without being endangered or materially injured by concomitant dispositions or opinions which may, in their own nature, be dangerous or injurious. Such, thus far, has been the lot of Mr. Brougham. He has appeared in the House, hitherto, under the salutary restraint of rank and property. Fluctuating as have been his opinions, and turbulent and froward as his temper is, this aristocratical bridle has kept him in comparatively good order. If Mr. Brougham as nominee of Lord A. or Squire B. has not failed to break out violently upon many occasions; if upon slight temptations he has advanced most perilous doctrines, what might not justly be apprehended from him as representing the sapience and moderation of Westminster, as the successor of Cochrane and the colleague of Burdett!! That this wholesome constraint is felt by Mr. B. to be a painful thralldom, is evident from the manoeuvres he has resorted to, and the attempts he has more than once made, to get rid of it, by placing himself upon another footing. But fortune, and the good sense of his adversaries, have been kinder to him than his own wishes; hence we see him occasionally as a useful light or serviceable instrument, when if he had been left to himself and his much coveted popular constituents, he might probably have proved little better than a wandering, noxious meteor, or a pernicious firebrand.

The world is furnished with abundant materials for framing an accurate judgment of the character of this individual. A review of his writings, whether avowed, or known to be his though anonymous, and a retrospect of the innumerable public exhibitions that he has given of himself, prove clearly that he is capable of arguing with ability upon both sides of many topics; but that from the abuses of this practice, and still more from passions and habits interwoven with his very nature, he has few or no fixed opinions; he is subject to strong impulses, but destitute of self-command; and that it has been characteristic of him at all periods of life to advance his notions with equal

hardihood. Youth found him without diffidence; and years have not been able to mellow the most offensive of his crudities. In his treatise of colonial policy, a performance of his earlier days, his dogmatism keeps pace with his blunders, which is saying not a little, for the blunders are more numerous than the pages of his book. Is he more reserved at the present time, than when he first came forward in the political world?—less addicted to affirm rashly, to accuse lightly, to inveigh bitterly? Is he more tolerant of opposition and more easily reconciled to disappointment? Has he abated his custom of seeking refuge from mortification in the impotent revenge of vilifying those who have successfully stood between him and his object? Is he less prone to incur the necessity of unsaying to day what he said yesterday? In short, does he draw less frequently and less deeply upon the blushes of his friends; or is he less kind to his antagonists in furnishing them with occasions to triumph over him? These, and other questions of like import may and ought to be asked; and for answer, forbearing out of sheer compassion to recur to the Canvassers' harangues from the village horsing-blocks, and market-crosses, and tavern-windows, of Westmorland, we shall confine our view to his conduct in Parliament during the last Session from his exaggerated misstatements respecting the Irish School Charities, to his misrepresentations in transactions between the Government and Lord Lonsdale; from the false accusation which his own suspicious nature and irritable temper urged him to make against Mr. Croker, to his philippic against the Lord Chancellor and his vehement and groundless censures of the Kendal Magistrates and Mr. John Thompson, relative to the Land-Tax Assessment, from and through these and similar proceedings, down to the finale, upon his disappointment in the division of June 3d, when one of the Ministers was compelled to remind him that he had no right to dictate to any one; and Mr. Ward was under similar compulsion to tell him that he had slandered and defamed every one who, on that night, had voted against him. This is a grave charge to be preferred in such a place, and surely of no trifling import to the people of Westmorland at this crisis. Let the worthy Freholders beware what newspapers they read; for no trace of this scene, so discreditable to Mr. Brougham, is to be found in the "Morning Chronicle," which newspaper (the London authority of Mr. Brougham's party) disposes of the business in two words, by denominating it "an ANIMATED CONVERSATION!!"

In treating the subject of Mr. B.'s qualifications, it is satisfactory to keep close to recent events, because, from his Address of June 2nd, the author manifestly regards his behaviour dur-

ing the last Session with no ordinary complacency. "I trust," says he, "my parliamentary conduct, since I left you, has been such as to shew me neither neglectful of the public weal, nor devoted to any principles of an unconstitutional, or a dangerous, or a selfish, nature." Mr. B. had a right to say, that he has not been negligent; but it is incumbent upon us to consider whether he has acted so as to *promote* the public weal: if he has not, the greater his activity the less his desert. In respect to the most weighty matter which occupied his attention, namely, "the Bill for the Education of the Poor," no man of sound judgment will admit the benefit proposed, however great in itself, to be worth the sacrifice of good principle, which the Bill, as drawn up by Mr. B., required. Again, as to being "devoted to principles of an unconstitutional, or a dangerous, or a selfish nature;" these words would scarcely have occurred, if the writer had not been aware, that at some time or other he had rendered himself liable to such charges. But, waving this, we are at a loss to determine what Mr. B. means by the word "principles," employed under these complex relations. Of his motion of June 3rd, for an Address to the Prince Regent, and of the Speech that preceded it (through great part of which the House of Lords was siccured at, with a view to bring it into contempt), many will think that both the motion and the speech had an *unconstitutional* tendency. But whatever Mr. B.'s *principles*, whether of government or of moral action (for he has confounded the two in the above words) may have been, have not his *conducts* been *selfish*? and in kind at least, if not in degree, dangerous? Surely, if sitting in judgment upon others, and not upon himself, the Author of this Address would allow that the gratification of such passions as reason does not sanction, is *selfish*; and that, in public life, abandonment to propensities which discretion condemns, is, in its nature, *dangerous*. The instances above given shew, that, during the late Session, his habits of feeling have undergone no alteration for the better. But, though these continue as unpromising as before, his *opinions* may have become less erroneous; and evidence of such improvement may have been furnished by his late votes and speeches. This shall be examined. But first let us ask how Mr. B.'s admirers reconcile his vote for the addition to the Duke of Kent's annuity with his other votes, accompanied by speeches tantamount to a declaration, that, in his judgment, *necessity* was the only measure of public expenditure which, in the present state of the public purse could be allowed, and that economy was the first, second; and last, of political virtues?—Mr. B. divided in favor of Mr. Wynne's rejected Election Bill—the purport of which was, that the expences of erecting hustings, and providing poll clerks, should be defrayed out of

the parish and county rates. Mark also that this Bill restricted the appointment of Constables, who may be necessary to keep order at elections, to the RETURNING OFFICER,—an arrangement which they who recollect how things were carried by the Kendal rioters on the 11th of February last, and know how the hereditary High Sheriff stands affected towards Mr. Brougham, will perceive, would have been most commodious for himself. We should be wanting in our duty, Mr. Editor, to the Electors of Westmorland, if we did not state this fact for their consideration, and inform them likewise that the very heavy expence of hiring such Constables was, in like manner, to be defrayed out of the County and Poor-Rates.—The Kendal Chronicle has told the Freeholders, that Mr. B. spoke against the clause for throwing the expence of erecting hustings off the Candidates, and upon the Poor-Rates;—a rush for his speeches! HE VOTED FOR THE BILL; and, with the exception of a clause to entitle persons to vote, although not assessed to the Land-Tax, the Bill contained nothing of importance, consisting mainly of these and similar regulations—all tending to throw the expences of election upon the County and Poor-rates. How far the *public weal* would have been promoted by passing this proposal into a law, the public will judge:—How far, in giving his voice to this measure, Mr. B. was "devoted to selfish principles," is a point which he ought to settle with his own conscience; but the Yeomanry, it is to be hoped, will remember this vote, and in the disposal of their own, will act accordingly.—We shall now direct public attention to his Bill for appointing a Commission to enquire into the Abuses in Charities connected with the Education of the Poor. With regard to the object of this Bill, there can be but one opinion and one sentiment. Great abuses, there is too much reason to believe, do exist, and the correction of them is earnestly to be desired.—Every man will rejoice to see charitable Funds restored to the Poor, which may have been diverted, by whatever means, from their original destination: especially when the funds were designed for the education of those who might otherwise have been destitute of that inestimable benefit. The object was truly deserving the attention of Parliament. But in this, as in every other act of legislation, the rules of prudence ought to be attended to with a care proportionate to the magnitude of the good proposed. Amongst these indispensable rules, is that which forbids us to resort to powers which cannot be called into action without the sacrifice of a principle more valuable than the one we are labouring to establish. And not less so is that which requires us to guard against being tempted into the use of harsh and summary modes of proceeding, which, however prompt and efficacious for the present, are sure to aggravate the evil in

future. With these preliminary observations we proceed to the provisions of the Bill. It proposed to enact that certain Commissioners should be appointed, empowered to split and divide themselves, and prosecute their enquiries, each portion having the same powers as were vested in the whole; that it should be lawful for them to hold their sittings where they chose, and to command the attendance of whom they chose; examine upon oath, "touching any matter or thing relating to estates or funds, as aforesaid, or to the state of education of the classes aforesaid; and in case he or she should refuse to answer to and before the said Commissioners" (in such a manner, no doubt, as they might deem satisfactory), then they "are authorised to take and apprehend such person, and commit him or her to such prison as, in their judgment, shall be most proper or convenient, there to remain without bail or mainprize until he or she, &c."

Great wits are said to be closely allied to madmen; not so much, however, it should seem, as strenuous reformers to rigorous enslavers.

When we recollect that no length of possession can be pleaded in bar of a claim from the church, or charitable institution, and bear in mind how delicate and intricate are the titles to landed property in a country that has been so subject to convulsions as England, and especially when we advert to the number of free schools in the northern counties, we cannot wonder at the consternation which the character of this Bill, as proposed by Mr. B., spread among the Landholders of Cumberland and Westmorland. It belongs to them gravely to consider the hazards to which the Bill would have exposed their property; and the Freeholders of Westmorland will weigh the pretensions of a man who deems it a proud distinction that he recommended such measures. But, sensibly as they will be touched upon this subject, they and every Englishman will revolt still more instinctively from the thought of having their personal liberty subjected to such desultory infringement. Over whom were these inquisitors to have this monstrous power? Over every one in England and Wales, including more especially the Trustees of Charitable Schools, for the greatest proportion of whom, among us, are respectable Yeomanry. The understanding of the community is insulted, when we are told that Mr. B. and his legal friend took for their model Lord St. Vincent's commission to inquire into navy abuses. What have navy abuses to do with the coffers, and firesides, and persons of the people of England, male and female? But enquiry "touching any matter or thing relating to the education of the poor," might furnish a plea for disturbing every family in England. Economy of the public purse is a good thing; but economy of

public power, that is, cautious distribution and moderate exertion of it, are infinitely better. Reformers are ready enough to admit these positions, and anxious to contend in behalf of them, when it suits their purpose. They are sufficiently jealous of the Executive, when Ministry are to be hampered, and a favourable occasion occurs for heaping odium upon Government;—they rise up with all their might against the Suspension of the Habeas Corpus Act, though treason and rebellion are staring loyalty in the face; they are tenderly anxious that the Crown shall not be permitted to dispose expeditiously of alien incendiaries; yet these same persons, in pursuit of a favorite object, do not scruple to place the people of England at the mercy of a set of roving Commissioners; one of whom, upon his own recommendation, was to be the mild, the discreet, the tolerant, the dispassionate, the moderate, Henry Brougham himself!!

His Majesty's Ministers cannot flagrantly abuse their power without its being known by every one; they are checked by a consciousness that the eyes of the whole nation are upon them; but the oppressions of these itinerant Inquisitors—if they were disposed to oppress; and their vexations—if they were inclined to vex; (and no way so likely to tempt them into such transgressions as arming them with power superfluously formidable), would have been carried on in obscure corners, safe from the control of public notice; while the party aggrieved could have had no means of redress but such as the tardy and expensive processes of law might afford; but, Mr. Editor, there is no end to the inconsistencies which men, who are at same time hunters after popularity and half-in-half political partizans, fall into. Our new Candidate, so jealous upon the suspension of the Habeas Corpus Act, and no doubt sharing the tenderness for aliens, that distinguishes Sir Samuel Romilly, his fellow labourer in framing this Bill, which would have placed a whip in his own hand for Englishmen, and especially for the yeomanry of the Northern Counties. This same professing protector of the injured, when there was a hope of casting obloquy upon

* That the power given by the Bill, as framed by Mr. B. was superfluous he himself allows. at the close of the same speech in which he so tenderly bewails the curtailment of that power. Re-appoint, says he, the Committee in the next Session of Parliament, constitute it of the same individuals, confer on it the same powers as at present; let that be done, and he cared not for the mutilation the Bill had suffered elsewhere.—The Committee would supply all the deficiencies which these mutilations were calculated to occasion.—(See "Morning Chronicle," June 4th.)

Ministers, insisted that penalties, incurred by a breach of the Excise laws, should be exacted with the utmost rigour—in cases where Government were disposed to mitigate them; and he who has indulged in every license in reviewing the conduct of others, which tongue or pen can be betrayed into the moment his own political offences are exposed, flies to the law for the protection of his name; as if he were conscious that it stood in need of all that can be done for the defence and support of it. Upon the subject of Reform in Parliament, our new Candidate gave the other day his opinion, once more; as might be expected, it differs from all preceding ones of the same Legislator. The last time we heard from him formally upon this point, (and it was no longer ago than the 17th of February, 1817), he declared for suffrage to all who pay direct taxes; and, upon the duration of Parliament, it appears, he was mute. He now thinks, that an extension of suffrage to all paying direct taxes, is too large; and, though he does not strongly object to annual Parliaments, thinks that triennial ones would be preferable; adding in conclusion, that his opinion is formed conscientiously. —(See “Morning Chronicle,” June.)—Now, as to the main point how far the Reformer would extend the elective franchise, this conscientious opinion, “formed,” we are told, “after laborious investigation,” is no opinion at all—it revokes the past, but substitutes nothing. And as to its formation—observers will think that they know more upon the subject than the speaker seems to do himself. The Freeholders of Westmorland, like other people, are aware that the value of a commodity depends a good deal upon the quantity of it in the market; and it is obvious that multiplying votes to the extent of including all who pay direct taxes, is not the way to gain the favor of those Freeholders: it was therefore prudent, we will not say selfish, to recal what had been heretofore advanced, and to leave intentions for the future in convenient ambiguity. But, unfortunately.—(vide “Morning Chronicle,” of the same date)—the orator tells us that he does not see the dangers which many apprehend from universal suffrage; (that is, the worthy Freeholders will understand, in giving all the rabble of England power to vote).—Does he not? Then, we say without scruple—not that Mr. Brougham is devoted to dangerous principles, but that whoever thinks universal suffrage could be introduced into this country without sanguinary revolution and subversion of property, is subject to a blindness which ought to exclude him from the house of Legislature, if it were not expedient that some persons so stricken should be admitted there—to be a warning for others.

Reform in Parliament is the true touchstone of all political adventurers. We shall therefore beg permission to dwell a

little longer on this part of our subject. Two ultimatum of the new Candidate upon this question we have already given; one of the present month, and one of February, 1817. In January of the same year, he burst forth (eager to be at work, for it was the second day only of the Session), into a violent attack upon the abettors of annual parliaments and universal suffrage. “Who,” (says a certain Reformer), “after reading that speech of Mr. B., and others in the same strain, could for a moment suppose that Mr. B. could have been the proposer of these measures himself, and their decided advocate?” Yet such is the fact, as recorded by his own hand, in the report of the speech which he delivered at the London Tavern, when he called upon the Livery of London to “mark his conduct; and, if it betrayed his declaration, to punish him the next time they met, by drinking to his departed principles. That speech was all “for the radical doctrines of yearly elections and the franchise enjoyed by all paying taxes;” the advocates of which measures he afterwards publicly stigmatized by dividing them into two classes—the *deluders* and the *deluded*; that is, (says the aforesaid Commentator), “into *fools* and *nooses*.” “In which of those classes (I am continuing the quotation), “would he chuse to be placed? In which of the characters did he appear at the Livery Dinner? This man, of many *“forgiversations*, why does he presume to tell us that the applause he there received was the result of *delusion* practised by himself; or that he himself was *deluded* by the applause? Who told him that the persons who composed the intelligent, respectable, honourable, and numerous company whom he addressed, were too ignorant to understand the *DELUSION* he put upon them? And with what claim to *forbearance* does he come? What has HE to say in mitigation of sentence, who tells us plainly that he *DELUDED*, misled, abused, so respectable an assemblage, and through them *THE PEOPLE* of England?” In this strain has one Reformer commented upon the proceedings of another. Enough has been said to shew that the declarations of a person who can act after the above manner, in the only point of view in which they can be deemed of any importance—namely, as guarantees for his demeanour in times to come, are, in fact, of no importance whatever; and that a man constituted, to which we will now add, *circumstanced*, as Mr. B. is, must be deemed unfit to be brought into direct connexion with a body of the people as their Representative; and that he is, above all, unfit to be placed in the dignified situation of Member of Parliament for any County whatsoever. Throwing out of consideration his temper and the quality of his passions, his mere situation compels him, who lays claim to the title of Leader of the Independents of the County, to a two-fold de-

pendence in the opposite extremes of political power—dependence upon a skulking Aristocracy, whose support is hypocritically disclaimed—and dependance upon an undiscerning, and, with reference to the Kendal Rioters, and what may be daily seen amongst us elsewhere, I will add, an audacious Democracy;—the one must be soothed, accommodated, stooped to, and complied with; or *money* will be wanting; and the other must be flattered, rajoled, and deluded by false expectations, or there will be *no votes*! In this position the new Candidate stands; and if it be true, as is now without scruple asserted, that Mr. B. had no objection to the extent of the Lowther interest when he himself hoped to profit by it, and that some years since he actually made application to the head of that family for his support as Candidate for this wery County; then, if regard be had to consistency, or even common decency, HE is the last man who ought to have come forward in an attempt to reduce that influence;—then, as far as concerns Mr. Brougham personally, the professed principle of the contest falls to the ground; he has no right to appear: this conclusion the friends of the present Members will press upon him; and, for his own friends, it becomes them to reflect, how they can reconcile to common sense their confidence in a person, who, if the fact now commented upon be true, seems to reckon a power or influence good or evil, just as the exertion of it promises to be favorable or unfavorable to his own ambition.

I am, Sir, Your Obedient Servant,

A LOYAL INDEPENDENT.